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11 **GOODLEY McCARTHY LLC**

12 1650 Market Street, Suite 3600

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14 Telephone: (215) 394-0541

15 **Attorneys for Plaintiff(s)**

16 **IN THE UNITED STATES DISTRICT COURT**
17 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
18 **WESTERN DIVISION**

19 **LILIBETH FERNANDEZ, individually and** :
20 **on behalf of all persons similarly situated,** :

21 : Case No.: 22-cv-09079-HDV-AFM
22 : Class and Collective Action

23 **Plaintiff(s),** :

24 : [Assigned for All Purposes to the
25 : Honorable Hernan D. Vera]

26 : Date of Hearing: November 14, 2024,

27 : 10:00 a.m.

28 : Location of Hearing: CTRM 5B

29 **Defendants.** :

30 : PLAINTIFF'S MOTION FOR
31 : PRELIMINARY APPROVAL OF
32 : CLASS ACTION SETTLEMENT

33 Plaintiff Lilibeth Fernandez individually and on behalf of other similarly-situated past

34 and current Technicians and Estheticians who performed work for Defendant The Tox

35 Corporation or its affiliates, by and through undersigned counsel, and for the reasons set forth in

36 the attached Memorandum of Law and, respectfully request that this Court:

1 1. Preliminarily approve as fair, reasonable and adequate, the Class Action

2 Settlement Agreement attached to Plaintiff's Motion as Exhibit 2 ("Agreement");

3 2. Preliminarily approve the Settlement Class as defined in the Agreement:

4 All current or former Technicians and Estheticians who performed work in New
5 York for The Tox Corporation or any of its affiliates from December 15, 2016,
6 who were not paid for training time.

7 3. Preliminarily approve Goodley McCarthy LLC as Class Counsel for the

8 Settlement Class;

9 4. Preliminarily approve Lilibeth Fernandez as the Class Representative of the

10 Settlement Class;

11 5. Preliminarily approve RG2 Claims Administration LLC as Settlement

12 Administrator to perform the notice and administrative services described in the Agreement;

13 6. Preliminarily approve as the Notice, Exhibit 3 to Plaintiff's Motion, as to form
14 and content and for distribution to the Settlement Class Members in the manner described in the
15 Agreement and in this Order;

16 7. Approve the following schedule for the remainder of the Final Approval

17 Process:

18 a. No later than _____, 2024 (ten (10) days after the date
19 of this Order), Defendants will provide to Class Counsel all contact
20 information for the Settlement Class.

21 b. No later than _____, 2024, (twenty-one (21) days after
22 the date of this Order) the Settlement Administrator will mail the
23 Settlement Notices to the Settlement Class.

24 c. The deadline for members of the Settlement Class to request exclusion
25 from or post an objection to the Settlement Agreement shall be no later

1 than _____, 2024 (fifty-one (51) days after the date
2 of this Order).

3 d. Class Counsel shall file their Motion for Final Approval of Class Action
4 Settlement (including any request for approval of attorneys' fees and
5 costs) no later than _____, 2024, (seventy (70) days
6 after the date of this Order).

7 8. Schedule a Final Approval Hearing to take place on _____, 2025

9 at _____ in Courtroom _____ to consider whether to grant final approval of the

10 Agreement in accordance with Rule 23(e) of the Federal Rules of Civil Procedure.

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12 Respectfully submitted,

13 /s/ James E. Goodley

14 By : _____

15 James E. Goodley*

Ryan P. McCarthy*

16 GOODLEY McCARTHY LLC

* *Pro Hac Vice*

17 Dated: October 18, 2024

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